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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/849,404	05/22/97	LAFFEND	L CR-9715-B

LINDA A FLOYD
EI DU PONT DE NEMOURS & COMPANY
LEGAL PATENTS
WILMINGTON DE 19898

LILLING, H	PAPER NUMBER
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OFFICE ACTION SUMMARY

Responsive to communication(s) filed on May 22, 1997

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-37 is/are pending in the application.
 Of the above, claim(s) _____ is/are withdrawn from consideration.
 Claim(s) _____ is/are allowed.
 Claim(s) _____ is/are rejected.
 Claim(s) _____ is/are objected to.
 Claim(s) 1-37 are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
 The drawing(s) filed on _____ is/are objected to by the Examiner.
 The proposed drawing correction, filed on _____ is approved disapproved.
 The specification is objected to by the Examiner.
 The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.
 received in Application No. (Series Code/Serial Number) _____
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of Reference Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

Ser. No. 08/849404

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15. Receipt is acknowledged of the preliminary amendment filed May 22, 1997.

16. Applicant is kindly requested to correct the deficiency as noted by the draftsperson on the PTO-948 dated August 07, 1997.

17. This application has been filed under 35 U.S.C. 371 on PCT/96/06705 on May 10, 1996 which is a CIP of U.S. Ser. No 08.440,293.

18. Claims 1-33 are present in the instant application.

19. This application has been restricted according to PCT Rules. Applicant is entitled to the first invention, **process claims drawn to the production of 1,3 propanediol with a microorganism having at least one gene capable of expressing a dehydratase enzyme, and the first product per se.**

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18 and 33, drawn to **process** of preparing 1,3 propanediol , classified in class 435, subclass 158; and the first product which is
Claim 19, drawn to **product, 1,3 propanediol**, classified in Class 560, subclass ;

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II. Claim 20, drawn to **second product** consisting of a cosmid, classified in class 435, subclass 320.1.

III. Claims 21-22, drawn to **third product** consisting of a transformed microorganism, classified in class 435, subclass 252.1.

IV. Claim 23, drawn to **fourth product** consisting of transformed microorganism having two specific DNA fragments, classified in class 435, subclass 252.1+.

V. Claim 24, drawn to **fifth product** consisting of a recombinant Pseudomonas sp., classified in class 435, subclass 252.34.

VI. Claim 25, drawn to **sixth product** consisting of a recombinant yeast Pichia pastoris, classified in class 435, subclass 254.23.

VII. Claim 26, drawn to a **seventh product** consisting of a recombinant Saccharomyces cereuisiae, classified in class 435, subclass 254.21.

VIII. Claims 27-28, drawn to an **eight product** consisting of a recombinant Bacillus licheniformis or Bacillus subtilis classified in class 435, subclass 252.31.

IX. Claim 29, drawn to a **ninth product** consisting of a recombinant Streptomyces lividans, classified in class 435, subclass 252.35.

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X. Claim 30, drawn to **tenth product** consisting of a recombinant **Aspergillus niger** strain , classified in class 435, subclass 254.3.

XI. Claims 31-32, drawn to a **eleventh product** consisting of recombinant eucaryote microorganism expressing dehydratase enzyme, classified in class 435, subclass 254.1.

20. The inventions are distinct, each from the other because:

these inventions are distinct and they have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter and the search required for one invention is not required for the other invention, thusly the restriction for examination purposes as indicated is proper.

21. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

22. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

It is noted that Claims 26-30 lacks data for the ATCC numbers.

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23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is (703) 308-2034 and fax number (Art Unit 1808) is (703) 305-3014. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

H.J.Lilling: HJL

(703) 308-2034

Art Unit 1808

September 08, 1997

Herbert J. Lilling
HERBERT J. LILLING
PATENT EXAMINER
GROUP 150 - ART UNIT 1808